

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

Your Affiant, Brian Middaugh, deposes and states:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, and Firearms (ATF) and have been since October 24, 2020. Prior to becoming a Special Agent with ATF, I was a member of the Cleveland Police Department for thirteen years including six years as a Detective in the Gang Impact Unit. I graduated the Cleveland Police Academy on April 18, 2008, and my experience includes the following: I have made several controlled purchases of crack cocaine, marijuana, heroin, fentanyl, and firearms using Confidential Informants and have made hundreds of arrests for the violation of the drug laws and weapon related offenses of the State of Ohio. I have participated in several gang investigations and have interviewed more than one hundred gang members over the course of my career. My training is as follows: High Intensity Drug Trafficking Area (HIDTA) Street Gangs Training, Federal Bureau of Investigations Law Enforcement Officers Killed and Assaulted Program (FBI-LEOKA), officer safety/ Street Survival Training, Lifeline: Ultimate Survival Instincts Training, Northeast Counterdrug Street Gangs Course, Ohio Gang Investigator Training, ATF: Characteristics of Armed Gunmen Training, U.S. Department of Justice Survival Awareness In-Service, FBI Tactical and Investigative Training, HIDTA Surveillance Training, 2017 Middle Atlantic-Great Lakes Organized Crime Law Enforcement (MAGLOCLLEN) Network Spring Conference Attendant, and Public Agency Training Council (PATC) Fentanyl Training. I graduated from the Federal Law Enforcement Training Center Criminal Investigator Training Program and the Bureau of Alcohol, Tobacco and Firearms Special Agent Basic Training program in Glynnco, Georgia.

2. The information contained in this affidavit is the result of either your Affiant's own investigation, or has been provided to your Affiant by other law enforcement officers.

3. This Affidavit is submitted in support of a search warrant for buccal swabs for DNA material from the person of Bernard PATTERSON (hereinafter referred to as PATTERSON), date of birth April XX, 1992. PATTERSON is suspected of knowingly possessing a firearm and/or ammunition that traveled in interstate commerce after having been convicted of a crime punishable by more than one year imprisonment, in violation of 18 U.S.C. 922(g)(1). Because this Affidavit is submitted for the limited purpose of demonstrating probable cause for the issuance of the requested warrant, it does not contain each and every fact known about this case by your Affiant or the investigating agencies.

4. Deoxyribonucleic acid (DNA) is genetic coding material, which is unique to each individual. Laboratory analysis of DNA material can establish whether material, such as saliva, skin, hair, or blood came from a particular individual. DNA is sometimes left behind on physical items previously touched by a particular individual. DNA evidence can be useful, admissible evidence in demonstrating that a particular person at one time was in possession of a particular piece of physical evidence, or present at a particular location or in a particular vehicle.

5. The items to be seized are swabs (commonly referred to as buccal swabs) of DNA material of PATTERSON from the inside of his mouth and cheek. The evidence to be seized is located on the person of PATTERSON.

6. On January 31, 2023, members of the ATF and the Ohio Department of Corrections Adult Parole Authority Officer (APA) served a federal search warrant at 12505 Soika Avenue, upstairs, Cleveland, Ohio, 44120. PATTERSON, a previously convicted felon, and his girlfriend, Janae Floyd, were present at the residence upon service of the warrant.

7. During the initial sweep of the residence Floyd told law enforcement that she had a SSCY, Model CPX-2, 9 mm pistol inside a couch cushion. Also located near the couch cushions was a baggie containing approximately eight (8) grams of crack cocaine.

8. Once the scene was secure law enforcement conducted a systematic search of the residence. ATF SA Joshua Snyder located a SSCY, Model CPX-2, 9 mm pistol bearing serial number CO27743, loaded with ten (10) rounds of 9 mm ammunition in the couch cushion of the residence. The firearm was handled with gloves and SA Snyder took swabs from the firearm for the purpose of collecting DNA.

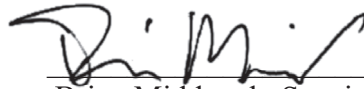
9. ATF Task Force Officer (TFO) Matt Curley interviewed Janae Floyd. TFO Curley advised Floyd of her Miranda rights which she stated she understood. TFO Curley asked Floyd about the firearm. Floyd told TFO Curley that it was her firearm but that PATTERSON's DNA would be on it because PATTERSON had touched it and moved the firearm in the past.

10. SA Middaugh spoke with ATF Nexus Agent SA Gerrod Briggs who has previously testified in the Northern District of Ohio as a nexus expert. SA Briggs stated that the SSCY, Model CPX-2, 9 mm pistol bearing serial number CO27743 is a firearm as defined in Title 18, USC Section 921(a)(3). SA Briggs further stated the aforementioned firearm was not manufactured in the State of Ohio. Thus, the firearm traveled in interstate and/or foreign commerce in order to be found in the State of Ohio.

11. I have reviewed criminal records for PATTERSON. PATTERSON was previously convicted of, among other crimes, the following; Gross Sexual Imposition , a felony of the fourth degree and Attempted Kidnapping, a felony of the second degree, in the Cuyahoga County Court of Common Please, Case number CR-16-604532. As a result of these felony convictions, PATTERSON is legally prohibited from possessing a firearm and ammunition.

12. Buccal swabs from PATTERSON will be collected by employees of ATF, who have received training in the collection of the same. These buccal swabs will be submitted to the Cuyahoga County Regional Forensic Science Laboratory (CCRFSL) for comparison to any DNA obtained from the firearm recovered during the execution of the aforementioned search warrant.

13. Based on the information contained herein, your Affiant believes probable cause exists that the DNA material sought will be found on the person of PATTERSON and that such material is evidence of a federal crime, namely: Felon in Possession of a Firearm, in violation of 18 U.S.C. 922(g)(1).



Brian Middaugh, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to via telephone after  
submission by reliable electronic  
means. Crim.Rules. 4.1; 41(d)(3)



Thomas M. Parker

United States Magistrate Judge

1:40 AM, Jan 4, 2024